

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MCTERRELL,

Plaintiff,

-v-

DOE, *et al.*,

Defendants.

No. 23-CV-6661 (KMK)

ORDER OF DISMISSAL

KENNETH M. KARAS, United States District Judge:

On June 26, 2024, Defendants filed a Suggestion of Death pursuant to Federal Rule of Civil Procedure 25(a)(1), notifying the Court of the death of Sean McTerrell (“Plaintiff”) on or about May 10, 2024. (Dkt. No. 28.) On June 27, 2024, the Court stayed all pending deadlines in this Action until Mr. McTerrell’s estate appeared to prosecute the Action. (Dkt. No. 29.) Plaintiff’s estate has yet to file an appearance in this Action. (*See generally* Dkt.) On October 1, 2024, the Court issued an Order to Show Cause as to why this case should not be dismissed for failure to prosecute, directing Plaintiff to respond no later than October 22, 2024. (Dkt. No. 30.) As of the date of this Order, Plaintiff has not responded to the Order to Show Cause or otherwise communicated with the Court.

Accordingly, it is hereby:

ORDERED that this Action be dismissed without prejudice for failure to prosecute. *See Armstrong v. Guccione*, 470 F.3d 89, 103 n.1 (2d Cir. 2006) (noting that “a federal district court has the inherent power to dismiss a case *sua sponte* for failure to prosecute” (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962))).

The Clerk of Court is respectfully directed to close the case and mail a copy of this Order to Plaintiff's address.

SO ORDERED.

DATED: November 4, 2024
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', written over a horizontal line.

KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE